

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.2103 OF 2007

Suresh Abhiman Nandire and Others

..Applicants.

Vs.

The State of Maharashtra

..Respondent.

Ms Pooja Bhojane, Advocate for the applicants.

Mr S. S. Pednekar, APP for the respondent No.1.

CORAM: V.C. DAGA,J.
DATED: 18.10.2007.

P.C.

1. Heard learned counsel for the applicants and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicants are seeking anticipatory bail in C. R. No.I-108 of 07 registered with Kalyan Taluka Police Station for the offence punishable under Sections 498-A, 406, 504 of the I.P.C.

4. So far as the original complainant (the respondent No.2) is concerned, she was present on the last date of hearing. Thereafter, she used to remain absent though she was made aware of the next date of hearing on the day when she had appeared.

5. Basically the complaint arises from the matrimonial dispute. The allegations made in the complaint by the wife is that the applicant No.1 is having "Stridhan" worth about Rs. 70,000/- which has not been returned by him. As per the panchnama produced before me the gold ornaments worth Rs. 15,000/- appears to have been taken in the custody by the Investigating Officer. The applicant No.1 is ready to deposit the balance of Rs. 35,000/- with the Family Court within four weeks from today. In the event of such deposit, it would be open for the Family Court to decide issue relating to "Stridhan" raised in Divorce Petition No. 1757 of 2005 pending before 5th Family Court at Bandra. The I.O. undertakes to transfer the seized property to the said Family Court in the above proceeding which the Family Court shall hold so long as the matrimonial dispute is not decided and shall deal with it until disposal of the matrimonial dispute.

6. In the above view of the matter, by consent of parties available before the Court, I am inclined to grant anticipatory bail to the applicants Nos. 1 to 5 in the sum of Rs. 10,000/- each with one or two sureties each to make up the said amount on following terms and conditions:

(a) They shall report to the Investigating Officer

as and when called.

(b) the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person or the prosecution witnesses acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

c] The applicants shall co-operate with the Investigating Officer in investigation.

d] The applicant no.1 shall deposit Rs.35,000/- in the Family Court at Bandra within four weeks from today, failing which this order shall automatically be cancelled.

7. This order of anticipatory bail shall remain in force till the filing of the charge sheet. It would be open for the applicant to apply for regular bail before the regular Court.

8. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

9. The applicants are put on notice that on a

report by the State in violating any of the conditions by them, mentioned herein, shall result in cancellation of this bail order.

10. Application is disposed of in above terms.

(V.C.DAGA,J)